

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2714 of 2021

Jitendra Kumar Ghadei

....
Mr. B.K. Parida-2, Advocate

Petitioner

-Versus-

State of Odisha and Another

....
Mr. T.K. Praharaj, SC

Opposite Parties

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
20.09.2022

Order
No.
01.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the criminal proceeding in G.R. Case No.221 of 2021 corresponding to Sarankul P.S. Case No.123 of 2021 pending in the file of learned Gramanyayalaya-Cum-J.M.F.C., Odagaon on the grounds stated therein
3. Perused the copy of the FIR which is at Annexre-1 whereupon Sarankul P.S. No.123 of 2021 has been registered under Sections 467, 468, 471, 420 IPC with the allegation that the petitioner produced fake certificates and mark sheets for the purpose of his appointment as a Sikhshya Sahayak.

4. Learned counsel for the petitioner submits that for the allegation of having produced fake certificates, the petitioner was removed from service by order dated 20th June, 2022 of the Senior Block Education Officer, a copy of which is produced before the Court and the same is perused. It is submitted that since the petitioner has already been removed from the service, for the same cause action, the criminal proceeding should not be allowed to continue and hence, it ought to be quashed which is objected to by learned counsel for the State.

5. On perusal of office order No.1548 dated 20th June, 2022 of the Senior Block Education Officer, Odagaon, it is made to reveal that certificates produced by the petitioner were sent to the CHSE, Bhubaneswar for verification and an enquiry was conducted and at the end, charges against him stood proved consequent upon which when no show cause was filed by him, on the strength of the documentary evidence received during such enquiry, major penalty was imposed and he was removed from service. In fact, a detailed enquiry was held against the petitioner and ultimately in terms of Rule 15 read with Rule 13 of OCS (CCA) Rules, 1962, order of removal from the service was passed.

6. In such view of the matter, when there is nothing brought to the notice of the Court vis-à-vis innocence of the petitioner rather he was removed from service by the order of the Senior Block Education Officer, Odagaon, the Court is of the view that the criminal proceeding is independent of any such action and it shall have to continue against him and on such ground, he cannot claim

for exemption from criminal action and therefore, it finds no merit in the claim for quashing of the criminal proceeding.

7. Accordingly, it is ordered.
8. In the result, the CRLMC stands dismissed.

(R.K. Pattanaik)
Judge

Tudu

